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Attorneys for Plaintiff and the Aggrieved Employees

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

NATALIA G. CRUZ, on behalf of herself
and all similarly aggrieved employees,

Plaintiff,

v.

VASVISION BERRY FARMS, LLC; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 22CV001734

**DECLARATION OF NICHOLAS
ROSENTHAL IN SUPPORT OF
PLAINTIFF'S MOTION TO APPROVE
SETTLEMENT AGREEMENT
PURSUANT TO THE PRIVATE
ATTORNEYS GENERAL ACT**

Date: November 3, 2023
Time: 8:30 a.m.
Dept: 15

Complaint Filed: June 17, 2022
Trial Date: None

1 I, Nicholas Rosenthal, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
3 California, and am with the law firm Diversity Law Group, P.C., counsel of record for Plaintiff
4 Natalia G. Cruz (“Plaintiff”). I have personal knowledge of the facts set forth below and if
5 called to testify I could and would do so competently.

6 2. I am one of the primary attorneys on this matter. From the inception of the case,
7 Plaintiff’s Counsel have zealously represented the interests of Plaintiff and the Aggrieved
8 Employees.

9 3. I strongly believe that Plaintiff can prevail at trial. However, I also believe in the
10 fairness of the settlement. After taking into account sharply disputed factual and legal issues
11 involved in this litigation, the risks attending further prosecution, and the substantial benefits
12 to be received pursuant to the compromise and settlement of the litigation, I have concluded
13 that settlement on the terms set forth in the PAGA Settlement Agreement (“Settlement
14 Agreement”) is appropriate and in the best interests of Plaintiff and the Aggrieved Employees.

15 4. My qualifications are as follows: I received my JD from University of Southern
16 California Gould School of Law in 2009. Upon graduation, I practiced law as an associate at
17 Seyfarth Shaw LLP, representing corporate clients in both single-plaintiff and wage hour class
18 actions. In 2014, I began as an associate at Diversity Law Group.

19 5. I have handled a number of wage and hour matters including class actions and
20 multiple-plaintiff actions. I have been named as class counsel in a number of class actions that
21 have been granted certification or preliminary or final approval by the Superior Courts of Los
22 Angeles County, Orange County, Alameda County, and Monterey County, the United States
23 District Court for the Central District of California, and the United States District Court for the
24 Northern District of California. These cases include, but are not limited to: *Pittman v. Martinez*
25 *Steel Corporation*, San Bernardino County Superior Court Case No. CIVDS1823132, *Della*
26 *Maggiore v. Watsonville Community Hospital*, Santa Cruz County Superior Court Case No.
27 18CV00191, *Randolph v. Pacific Racing Association*, Alameda County Superior Court Case
28 No. RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento County Superior Court

1 Case No. 34-2018-00245481-CU-OE-GDS *Foaad Hanna v. Equinix, LLC*, Santa Clara
2 County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles
3 County Superior Court Case No. BC720144; *Markham v. Quik Stop Markets, Inc.*, Santa Clara
4 Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior Court Case
5 No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino
6 Superior Court Case No. CIVDS1828867; *Pascual v. Satellite Healthcare, Inc.*, Santa Clara
7 County Superior Court Case No. 19CV345211; *Carrillo v. New Balance Athletics, Inc.*, Santa
8 Clara County Superior Court Case No. 19CV352469; *Vogel v. Veolia North America, LLC*,
9 Monterey County Superior Court Case No. 19CV001443; *Holman v. American Sugar*
10 *Refining, Inc.*, Contra Costa County Superior Court Case No. MSC18-00415; and *Chavez v.*
11 *Converse, Inc.*, United States District Court, Northern District of California Case No. 15-cv-
12 03746-NC; *Gutierrez v. Spa Havens, LP*, San Diego Superior Court Case No. 37-2019-
13 00057065-CU-OE-NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior Court Case No.
14 CIVSB2027249; *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior Court Case No.
15 CIVSB2101321; *Alvarez v. Forterra Building Products*, San Diego Superior Court Case No.
16 37-2020-00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of California, Inc.*, Solano
17 County Superior Court Case No. FCS056134, *Pulido v. Georgia-Pacific Corrugated III LLC*,
18 Fresno Superior Court Case No. 18CECG00265; and *In re: FPI Management Wage and Hour*
19 *Cases*, Los Angeles Superior Court Case No. JCCP5050.

20 6. To date, I have incurred approximately 41.70 hours in connection with the
21 litigation of this lawsuit. Attached hereto as **Exhibit A** is a summary of the hours I have
22 incurred to date.

23 7. My hourly rate in class and representative actions is \$700.00 per hour. However,
24 in this motion, I request a reduced hourly rate of \$595.00. Accordingly, the total lodestar for
25 my hours will be approximately \$24,811.50 (41.70 hours x \$595). I have been approved
26 previously at a rate of \$650.00 by various courts, including: *Pittman v. Martinez Steel*
27 *Corporation*, San Bernardino County Superior Court Case No. CIVDS1823132, *Della*
28 *Maggiore v. Watsonville Community Hospital*, Santa Cruz County Superior Court Case No.

1 18CV00191, *Randolph v. Pacific Racing Association*, Alameda County Superior Court Case
2 No. RG18908139, *Morones v. Bimbo Bakeries USA, Inc.*, Sacramento County Superior Court
3 Case No. 34-2018-00245481-CU-OE-GDS *Foaad Hanna v. Equinix, LLC*, Santa Clara
4 County Superior Court Case No. 18CV339365; *Alicia Harris v. 24 Seven LLC*, Los Angeles
5 County Superior Court Case No. BC720144; *Markham v. Quik Stop Markets, Inc.*, Santa Clara
6 Superior Court Case No. 19CV341582; *Siron v. Raypak, Inc.*, Ventura Superior Court Case
7 No. 56-2019-005279959-CU-OE-VTA; *Carter v. Kline Services, Inc.*, San Bernardino
8 Superior Court Case No. CIVDS1828867; *Pascual v. Satellite Healthcare, Inc.*, Santa Clara
9 County Superior Court Case No. 19CV345211; *Carrillo v. New Balance Athletics, Inc.*, Santa
10 Clara County Superior Court Case No. 19CV352469; *Vogel v. Veolia North America, LLC*,
11 Monterey County Superior Court Case No. 19CV001443; *Holman v. American Sugar*
12 *Refining, Inc.*, Contra Costa County Superior Court Case No. MSC18-00415; and *Chavez v.*
13 *Converse, Inc.*, United States District Court, Northern District of California Case No. 15-cv-
14 03746-NC.

15 8. As of January 1, 2022, my hourly rate increased to \$700.00. I have been
16 approved at the \$700.00 rate in *Gutierrez v. Spa Havens, LP*, San Diego Superior Court Case
17 No. 37-2019-00057065-CU-OE-NC; *Cruzado v. Ontario T, Inc.*, San Bernardino Superior
18 Court Case No. CIVSB2027249; *Ray v. C&W Facility Services, Inc.*, San Bernardino Superior
19 Court Case No. CIVSB2101321; *Alvarez v. Forterra Building Products*, San Diego Superior
20 Court Case No. 37-2020-00018179-CU-OE-CTL; *Dunn v. Universal Plant Services of*
21 *California, Inc.*, Solano County Superior Court Case No. FCS056134, *Pulido v. Georgia-*
22 *Pacific Corrugated III LLC*, Fresno Superior Court Case No. 18CECG00265; *In re: FPI*
23 *Management Wage and Hour Cases*, Los Angeles Superior Court Case No. JCCP5050;
24 *Rodriguez v. U.S. Bank, N.A.*, Los Angeles Superior Court Case No. BC617356; *Goodarzi v.*
25 *Belmont Village L.P.*, Los Angeles Superior Court Case No. 20STCV15572; *Vernon v.*
26 *McClane/Suneast, Inc.*, San Bernardino Superior Court Case No. CIVSB2123367; *Clark v.*
27 *Now Optics, LLC*, San Diego Superior Court Case No. 37-2020-00044817-CU-OE-CTL; *Diaz*
28 *v. Acuity Brands Lighting, Inc.*, San Bernardino Superior Court Case No. CIVDS2015583;

1 *Idian v. VHSD ES, Inc.*, San Diego Superior Court Case No. 37-2019-00018927-CU-OE-CTL;
2 and *Romano v. SSA Terminals, LLC*, Los Angeles Superior Court Case No. 20STCV29048.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 Executed on this 12th day of October 2023, at Los Angeles, California.

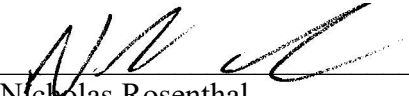
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7 _____
Nicholas Rosenthal

EXHIBIT A

Natalia G. Cruz v. Vasvision Berry Farms, LLC
Superior Court of California, County of Monterey, Case No. 22CV001734
Nicholas Rosenthal Time and Task Chart

Hours	Description of Work
2.70	Review case notes and class action complaint for damages; analysis of Plaintiff's time and payroll records for compliance with Labor Code; confer with co-counsel re same.
3.50	Review Defendant's arbitration agreement; review legal memorandum re enforceability of arbitration agreement and defenses thereto; confer with co-counsel re same.
1.10	Confer with co-counsel re initial round of discovery; review and comment on draft Requests for Production of Documents (Set One) and Special Interrogatories (Set One).
1.30	Confer with co-counsel re stay on formal discovery; review and comment on outline of informal discovery needed for mediation.
2.00	Review and comment on draft stipulated protective order; confer with co-counsel re same.
5.30	Participate in interviews of current and former employees re experiences in workplace and Labor Code violations; review and comment on memorandum to file re same.
4.60	Analysis of time and payroll data of aggrieved employees; analysis of strength and weaknesses of regular rate and rest and recovery claims; confer with co-counsel re same; review and comment on memorandum re penalties calculation.
11.20	Review and comment on draft mediation statement; confer with co-counsel re strategy for mediation; attend all day mediation.
3.10	Revised Joint Stipulation of Settlement; confer with co-counsel re defense counsel's proposed revisions to settlement documents.
6.90	Revise motion for approval of PAGA Settlement; draft supporting attorney declaration; finalize motion for filing.
41.70	TOTAL HOURS